

#9 REF. for refund
7/11/03

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Schmitt, P. J.

Examiner: Isabella, D. J.

Serial No.: 09/368,848

Group Art Unit: 3738

Filed: August 5, 1999

Docket: 760-124 DIV/RES
(formerly 498-18 DIV/RES)

Conf. No.: 6006

Dated: June 24, 2003

For: RADIALLY EXPANDABLE
TUBULAR PROSTHESIS

I hereby certify this correspondence is being deposited
with the United States Postal Service as first class mail,
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P.O. Box 1450, Alexandria, VA 22313-1450

Date: June 24, 2003

Signature: B.J. Donovan/

Barbara J. Donovan

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REQUEST FOR REFUND

Sir:

Applicant requests a refund of \$410.00, which represented a fee for Request for Extension of Time erroneously charged to Applicant with regards to the above-referenced application.

On April 16, 2003, Applicant faxed an Amendment and Response originally mailed January 14, 2003, for the above-referenced application to Examiner Corrine McDermott of the United States Patent and Trademark Office. The facsimile transmission of April 16th, however, included a postcard marked stamped as received by the Patent Office on January 21, 2003.

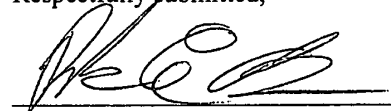
Applicant: Schmitt, P.J.
Application No.: 09/368,848
Docket No.: 760-18 DIV/RES (formerly 498-18 DIV/RES)
Page 2

The Response dated January 14, 2003 further included a certification that the correspondence was being deposited with the United States Postal Service as first class mail on January 14, 2003. The Response was therefore legally submitted on January 14, 2003, two days before the due date of January 16, 2003.

The fee was therefore erroneously charged to our Deposit Account No. 08-2461 by the United States Patent and Trademark Office. A copy of the Deposit Account Statement is enclosed. As the Response was appropriately mailed and certification of this correspondence was included by the January 16, 2003 deadline, a refund is respectfully requested.

Please credit our Deposit Account No. 08-2461 with the amount of \$410.00.

Respectfully submitted,



Mark E. Baron
Registration No.: 46,150
Attorney for Applicant

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(973) 331-1700

**Deposit Account Statement**

Requested Statement Month: May 2003
Deposit Account Number: 082461
Name: HOFFMANN & BARON
Attention: DIANE FUGALLI
Address: 6900 JERICHO TURNPIKE
City: SYOSSET
State: NY
Zip: 11791

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
05/01	2	09666990	163-29	1252	\$410.00	\$8,794.10
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START	SUM OF	SUM OF	END
BALANCE	CHARGES	REPLENISH	BALANCE
\$9,204.10	\$15,629.00	\$10,884.00	\$4,459.10

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